

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

RONALD L. WILEY,
Plaintiff,

v.

Civil Action No.
04-CV-1215
GLS/GJD

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

**STIPULATION OF
REMAND**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the parties in the above-entitled action, that, the case be remanded pursuant to the sixth sentence of 42 U.S.C. § 405(g) as the claim file containing the administrative law judge's decision dated October 25, 2002 and the tape recording of the hearing held on August 21, 2002 cannot be located by the Commissioner. The Commissioner requests remand while the search for the file is conducted. If the file cannot be located within one month from this filing date reconstruction of the file will be commenced not to exceed two additional months.

The timetable set forth in General Order #18, (In the Matter of: Northern District Order Directing the Filing of the Answer, Administrative Record, Briefs, and Providing for Oral Hearing on Appeal from Social Security Decisions) shall commence upon notification to the Court by Counsel for the defendant, Commissioner of Social Security that the file has been located, or that the file has been reconstructed. This matter remains a pending case before the district court.

Dated: April 8, 2005

/s/ Peter L. Walton
Peter Walton, Esq.
Attorney for Plaintiff

Dated: January 6, 2005

GLENN T. SUDDABY
United States Attorney
P.O. Box 7198
Syracuse, New York 13261-7198

By: /s/ William H. Pease
William H. Pease - 102338
Assistant U.S. Attorney

SO ORDERED:

Dated: April 8 '05
Syracuse, New York

GJD Branc
HON. GUSTAVE J. DIBIANCO
U.S. MAGISTRATE JUDGE